

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Mac Muir	Team: Squad #2	CCRB Case #: 201700807	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 01/22/2017 7:30 PM	Location of Incident: § 87(2)(b)	Precinct: 120	18 Mo. SOL 7/22/2018	EO SOL 7/22/2018	
Date/Time CV Reported Tue, 01/24/2017 10:16 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 01/31/2017 10:45 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POF Michelle Sharpe	15730	944292	120 PCT
2. POM Thomas Cropley	03255	956555	120 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Ramiz Husic	3094	935036	120 PCT
2. POM Matthew Giacalone	06379	958625	120 PCT
3. POM David Gamez	06463	955938	120 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POF Michelle Sharpe	Abuse: Police Officer Michelle Sharpe forcibly removed § 87(2)(b) to the hospital.	§ 87(2)(g)
B.POM Thomas Cropley	Abuse: Police Officer Thomas Cropley forcibly removed § 87(2)(b) to the hospital.	§ 87(2)(g)
§ 87(4-b), § 87(2)(g)	§ 87(2)(b)	§ 87(2)(g)
§ 87(4-b), § 87(2)(g)	§ 87(2)(b)	§ 87(2)(g)

Case Summary

On January 24, 2017, § 87(2)(b) filed the following complaint with the Internal Affairs Bureau (IAB) via IAB Log #2017-2911. It was received by the CCRB on January 31, 2017. The case is being closed over 90 days after it was received because of the extensive document and 911 and radio transmission audio review that was necessary to resolving a final disposition.

At approximately 5:30 p.m. on January 22, 2017, § 87(2)(b) called 911 and complained that she had been assaulted by a tenant in her apartment complex at § 87(2)(b) in Staten Island. § 87(2)(b) lived in § 87(2)(b). Over the subsequent two hours, officers responded to her apartment three times in total. The first two times, officers did not complete a police report as per § 87(2)(b) request. § 87(2)(b) and her boyfriend, § 87(2)(b) continued to call 911. In total they called nine times. During § 87(2)(b) 911 calls, she was verbally abusive toward the 911 operators.

At approximately 7:30 p.m., at the conclusion of the ninth and final 911 call, Police Officers Michelle Sharpe and Thomas Cropley of the 120th Precinct arrived at the door to § 87(2)(b) apartment. Within approximately one minute, Police Officers Matthew Giacalone and § 87(2)(b) Gamez of the 120th Precinct arrived as well, though they did not interact with § 87(2)(b) or § 87(2)(b). Police Officers Sharpe and Cropley spoke with § 87(2)(b) and § 87(2)(b) for approximately ten minutes. At the conclusion of their conversation, Police Officer Sharpe grabbed § 87(2)(b) from the entryway to her apartment and pulled her into the hallway (**Subsumed into Allegation A**). Police Officer Cropley placed § 87(2)(b) in handcuffs, and together he and Police Officer Sharpe took her to § 87(2)(b) (**Allegations A and B**). At approximately 3:30 a.m., § 87(2)(b) was released from the hospital. She was not arrested or summonsed. § 87(4-b), § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

Cell phone camera footage was recorded by § 87(2)(b) during the incident and was obtained from him at the CCRB on February 15, 2017. One video partially showed the portion of the incident in which § 87(2)(b) was removed from her apartment (see below). The two additional recordings showed earlier parts of the incident in which § 87(2)(b) and § 87(2)(b) were complaining about issues in their building. The videos are in IAs #19-21 (Board Reviews 01, 02, and 03).



201700807_20170215_1602B_DM.mp4

Mediation, Civil and Criminal Histories

- § 87(2)(b) was presented with and refused mediation § 87(2)(b)
- As per the New York City Comptroller's Office, no Notice of Claim has been filed in regards to this incident as of May 31, 2017 (Board Review 04)

- § 87(2)(b)

Civilian and Officer CCRB Histories

- This is the fourth CCRB case involving § 87(2)(b) (Board Review 06). § 87(2)(b)
- Police Officer Sharpe has been a member of the NYPD for nine years and has eight previous CCRB allegations in four cases with no substantiated allegations. § 87(2)(g)
- Police Officer Cropley has been a member of the NYPD for two years and has one previous CCRB allegation with no substantiated allegations. § 87(2)(g)

Potential Issues

- On § 87(2)(b), Police Officer Sharpe § 87(2)(b) has been suspended from the NYPD (Board Review 07).
- § 87(2)(b) refused to sign a HIPAA in regards to this case. The Investigation was therefore unable to obtain medical records regarding her treatment at § 87(2)(b)
- § 87(2)(g)

Findings and Recommendations

Explanation of Subject Officer Identification

- Both officers accounted for their respective presences during this incident. It is undisputed that Police Officers Cropley and Sharpe were the lead officers and that Police Officers Giacalone and Gamez did not make the decision to deem § 87(2)(b) an ‘emotionally disturbed person.’ § 87(2)(g)

Allegations not pleaded

- § 87(2)(b) alleged that while she was on the way to the hospital, Police Officer Sharpe said, “We’re locking you up.” At this point in the incident, § 87(2)(b) had already been taken into police custody and was going to the hospital. § 87(2)(b) gave no indication that this was a threat of arrest. § 87(2)(g)
- § 87(2)(b) told an officer, “I don’t know what to do.” The officer replied, “Oh yeah, you want to come with us?” § 87(2)(b) replied, “I believe I want to hold the fort down here.” § 87(2)(b) told the investigation that he was not sure whether he was threatened with arrest. § 87(2)(g)

Allegation A – Abuse of Authority: Police Officer Michelle Sharpe forcibly removed § 87(2)(b) to the hospital.

Allegation B – Abuse of Authority: Police Officer Thomas Cropley forcibly removed § 87(2)(b) to the hospital.

This complaint was submitted to IAB on January 24, 2017. It was received by the CCRB on January 31, 2017. § 87(2)(b) provided a telephone statement to the CCRB on February 6, 2017 (Board Review 17) and was interviewed at the CCRB on February 15, 2017. § 87(2)(b) was interviewed at the CCRB on February 15, 2017. Police Officer Michelle Sharpe and Police Officer Thomas Cropley were interviewed at the CCRB on March 16, 2017. Sergeant Ramiz Husic was interviewed on March 17, 2017.

The general contours of this incident are not in dispute. It is undisputed that during the evening of January 22, 2017, § 87(2)(b) and § 87(2)(b) had dinner with a friend on the first floor of the apartment complex at § 87(2)(b) in Staten Island. During that dinner, both § 87(2)(b) and § 87(2)(b) were drinking alcohol. After returning to § 87(2)(b) apartment, § 87(2)(b) went to buy cigarettes. Upon his return, a § 87(2)(b) year-old male, who lived in the apartment complex as well, § 87(2)(b), temporarily barred § 87(2)(b) from entering the building. When § 87(2)(b) forced his way into the building and returned to § 87(2)(b) apartment, § 87(2)(b) § 87(2)(b) called the police. Over the course of the following two hours, § 87(2)(b) and § 87(2)(b) placed eight additional calls. Several groups of officers responded to § 87(2)(b) apartment. Of the six EVENTS generated at § 87(2)(b) apartment on January 22, 2017, the first two were finalized as 10-90Y (Unnecessary), the next was closed as a duplicate, the next two were closed as 10-90X (Unfounded), and the final EVENT, which corresponded to Police Officer Sharpe's and Police Officer Cropley's response to § 87(2)(b) apartment and subsequent interactions being addressed in this investigation, was closed as 10-97H (Patient removed to hospital) (Board Review 08).

At approximately 7:30 p.m. the last group of officers arrived at § 87(2)(b) apartment; first Police Officers Sharpe and Cropley arrived, then Police Officers Gamez and Giacalone followed approximately one minutes later. From her doorway, § 87(2)(b) requested help regarding spray-paint on her door and incidents involving other people in her building. After five to ten minutes of speaking with the officers, § 87(2)(b) closed her apartment door. A few minutes later, Police Officer Sharpe knocked on the door to speak with her again. Police Officer Sharpe grabbed § 87(2)(b) by the arm from her doorway and pulled her into the hallway. § 87(2)(b) was placed in handcuffs and transported to § 87(2)(b). She was released at approximately 3:30 a.m. the following morning.

§ 87(2)(g)

§ 87(2)(b) stated that she had “two drinks of rum” over the course of the evening. § 87(2)(b) told CCRB investigators that she first called 911 because § 87(2)(b) had attempted to assault her and steal her cell phone in the past, and to document a complaint of ongoing harassment. The officers in question arrived, she directed three complaints toward Police Officer Sharpe; that she

wanted to file a formal complaint against § 87(2)(b) for harassing § 87(2)(b) that § 87(2)(b) had threatened her in the past, and that graffiti had been spray painted on her apartment door. After she explained these grievances to the officers for five to ten minutes, Police Officer Sharpe said, “Do you want to step outside?” Then, as stated above, she abruptly pulled § 87(2)(b) out from the doorway of her apartment.

§ 87(2)(b) stated that he instructed § 87(2)(b) to call 911 because he had observed graffiti on her front door (he believed she had already called 911 but did not know why she called). When Police Officers Sharpe and Cropley arrived, § 87(2)(b) propped open the door in order to present the graffiti to the officers. He believed that the officers could clearly spray paint the door. He stated that § 87(2)(b) went “on and on” as she spoke to the officers, and that the officers appeared to be more upset than she was. When Police Officer Sharpe pulled § 87(2)(b) out of the apartment, she did not cross the threshold of the apartment. None of the officers spoke as § 87(2)(b) was pulled from her apartment. At this time § 87(2)(b) was “slightly intoxicated” and had had two or three drinks.

Police Officer Sharpe stated that when she arrived at the apartment, § 87(2)(b) was standing in her doorway with § 87(2)(b). She could see bottles of alcohol on the ground inside of the apartment. § 87(2)(b) appeared to be “highly intoxicated.” As soon as PO Sharpe was within five to ten feet of her, she could smell alcohol on § 87(2)(b) breath. When asked whether there was anything else that informed her belief that § 87(2)(b) was intoxicated, Police Officer Sharpe replied, “Just the way she was acting.” § 87(2)(b) did not appear to be intoxicated. § 87(2)(b) complained to Police Officer Sharpe about various issues with people who lived in the apartment complex. Although § 87(2)(b) complained that there was spray-paint on the door to her apartment door, Police Officer Sharpe did not see any spray paint on that door. Police Officer Sharpe described § 87(2)(b) as not speaking clearly, “incoherent,” and “swinging back-and-forth.” § 87(2)(b) walked out of her apartment and knocked on a door that Police Officer Sharpe believed led to the stairwell. § 87(2)(b) complained, “I’m not being helped. I’m not being helped. Nobody’s helping me.” § 87(2)(b) told § 87(2)(b) to come back into the apartment and to stop doing what she was doing. § 87(2)(b) then walked toward her own apartment door and struck it with her open hand three or four times. She continued to complain that she was not being helped and then slammed her door closed.

During her CCRB interview, Police Officer Sharpe initially stated that after § 87(2)(b) reentered her apartment and closed the door, she knocked on the door again to investigate further and because of the expectation that § 87(2)(b) would complain again in the future. Later in her CCRB interview, Police Officer Sharpe clarified that at the time § 87(2)(b) slammed her door closed, she had determined that § 87(2)(b) was an “emotionally disturbed person.” She did so based on her conversation with § 87(2)(b) because § 87(2)(b) was “acting irrational,” “highly intoxicated,” and was “unable to care for herself.” When specifically asked whether § 87(2)(b) was a threat to herself, Police Officer Sharpe replied, “Yes. I feel like if we had left her there it would have been a little bit escalated.” Police Officer Sharpe repeatedly stated that § 87(2)(b) was a threat to herself because of “the things she was saying,” the “knocking on doors,” and because she was intoxicated. She did not believe that § 87(2)(b) was a threat to § 87(2)(b) but stated, “Maybe if we had left her there, if they were arguing and you know anything had been going on it could have been escalated further.” The decision to deem § 87(2)(b) an ‘emotionally

disturbed person' was both hers and Police Officer Cropley's. As she pulled § 87(2)(b) from the apartment entryway, Police Officer Sharpe placed her foot inside the edge of the doorframe to keep her balance. § 87(2)(b) was verbally combative and "belligerent," but did not refuse to go with the officers. When asked whether § 87(2)(b) was ever a threat to the officers, Police Officer Sharpe replied, "Absolutely not." She did not recall pressing § 87(2)(b) against the wall in the hallway. After Police Officer Cropley placed § 87(2)(b) in handcuffs, he called Sergeant Husic to notify him that § 87(2)(b) had been 'EDP'd.' He did not call Sergeant Husic before that time. Over the course of the incident, neither § 87(2)(b) nor § 87(2)(b) did anything they could have been arrested for.

Police Officer Cropley's account was essentially consistent with Police Officer Sharpe's. He added that § 87(2)(b) had "kind of bloodshot eyes," and that when he interviewed her he could "not get much out of her" although she was "rambl[ing] on." After the decision to 'EDP' § 87(2)(b) had been made, he stepped away from § 87(2)(b) doorway and requested permission from Sergeant Husic to 'EDP' her. He informed Sergeant Husic that § 87(2)(b) was a threat to herself and others. During his CCRB interview, Police Officer Cropley was asked in what way § 87(2)(b) was a threat to himself or Police Officer Sharpe. He replied by saying that "she was irate about everything. Was yelling. Screaming." She did not approach Police Officer Cropley in a threatening manner. When asked to specify what was threatening about § 87(2)(b) he replied, "Basically her whole demeanor. Based on past experiences when the demeanor of other EDPs would be like that, they would attack." Because of this, Police Officer Cropley was "very cautious about the whole scenario and just keeping [his] guard up." He was asked, "Was there anything else that made you think he was threatening?" He replied, "No." When he spoke with Sergeant Husic, Police Officer Cropley was told that if § 87(2)(b) was a threat to herself and others, it was okay to 'EDP' her. As with Police Officer Sharpe, he repeatedly cited her intoxication and her "irate" and "belligerent" way of speaking as reasons for being transported to the hospital.

Sergeant Husic stated that he was never at the incident location. When the final radio notification of a complaint at § 87(2)(b) was broadcast over the radio, Sergeant Husic advised Police Officer Cropley that officers had responded to the location multiple times, and that if Police Officer Cropley felt § 87(2)(b) was unable to care for herself or was a danger to others, the officers should treat her as an 'EDP.' When Police Officer Cropley called after responding to § 87(2)(b) apartment, Sergeant Husic was told that § 87(2)(b) was "a danger to herself and others, so [the officers were] going to follow with emotionally disturbed procedure." Police Officer Cropley did not provide any specific example of § 87(2)(b) behavior. After Police Officer Cropley had removed § 87(2)(b) from her apartment, he called Sergeant Husic back and informed him that § 87(2)(b) was "intoxicated" and "belligerent."

Police Officer Sharpe's memo book noted that § 87(2)(b) was "highly intoxicated," "In the hallway knocking on doors," "agitated," and "acting irrational, etc." (Board Review 11). Police Officer Cropley's memo book noted, "Bus needed for EDP – As per Sgt. Husic – not on scene" (Board Review 12).

The recordings of § 87(2)(b) various calls to 911 show that she was belligerent and verbally abusive, but that she repeatedly made a consistent complaint of a crime of which she had been a

victim (Board Reviews 09 and 10). At times § 87(2)(b) tirades directed toward the 911 operators lasted for several uninterrupted minutes. However, within her tirades were also complaints of an assault that had taken place on the incident date, and other assaults that had taken place in the past.

When § 87(2)(b) placed his first of three 911 calls, he stated that § 87(2)(b) was intoxicated. He expressed concern that she was “about to cause a scene” after officers had just left her apartment, and that she was on the street screaming at people. § 87(2)(b) could be heard yelling in the distant background. In his second 911 call, he stated that § 87(2)(b) had been assaulted two weeks prior. He described a large person who had choked her and placed a knife to her throat. He explained that § 87(2)(b) was distraught and afraid to leave her apartment.

§ 87(2)(b) provided the CCRB with three videos, but only the third showed the interaction with Police Officers Sharpe and Cropley (Board Review 13 and 14). In the third of three videos, which appears to show the relevant portion of the incident, § 87(2)(b) is heard saying, “No please. Don’t grab me I’ve don’t nothing to you.” Then, “I don’t want to go outside. I’m in my home. Why is she pulling me?” A male officer says, “She’s going to the hospital.” When a female officer asks her how much she has had to drink, § 87(2)(b) replied, “I live in my home you can’t pull me out of here. I haven’t done anything.” § 87(2)(b) is heard repeatedly asking to be allowed to go back into her apartment (Board Review 15).



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According to Patrol Guide Procedure §221-13, an Emotionally Disturbed Person (EDP) is a person who appears to be mentally ill or temporarily deranged and is conducting himself in a manner which a police officer reasonably believes is likely to result in serious injury to himself or others. When an officer reasonably believes that a person is an EDP, that person may be taken into protective custody and transported to a hospital for treatment (Board Review 16).

§ 87(2)(g) [REDACTED]

§ 87(2)(g) [REDACTED]

§ 87(2)(g) [Redacted]

§ 87(2)(g) [Redacted]

§ 87(4-b), § 87(2)(g) [Redacted]

[Redacted]

Squad 2

Investigator: _____
Signature Print Date

Squad Leader: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date